

IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE TWENTIETH DAY OF APRIL
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE N.V. RAMANA

WRIT PETITION NO: 3581 of 1998

Between:

1 Waddera Labour Contract Co-operative Society Limited, rep.by

it's President B.Venkateshwarlu, Dwaraka Nagar, Khammam.

2 Dhanalakshmi Waddera Labour Contract Co-operative Society

Ltd, Rep.by it's President B.Edukondalu, Palair, Khammam

District.

3 The Banjara Labour Contract Co-operative Society Ltd,

Rep.by it's President M.Adavikeshavapur, Jangaon, Warangal

District.

4 Harijana Labour Contract Co-operative Society Ltd,

Rep.by it's President T.Sudhakar, Athmakur, Warangal District.

5 M/s. Ashoka Engineering Constructions, rep.by it's Managing

Partner V.Ashok Kumar, New Bank Colony, Warangal District.

6 P.Naraiah, S/o. Kondaiah,
Kakavari Palem, Vinjamoor Mandal, Nellore District.

7 B.Venkateshwarlu, S/o. Sree Venkata Pathi,
A.N.Puram, Buchireddy Palem, Nellore District.

8 B.Nageshwara Rao, Khammam District.

... PETITIONERS

AND

1 Superintending Engineer, Irrigation Circle, Red Hills,
Hyderabad.

2 Superintending Engineer, Irrigation Circle, Warangal.

3 Superintending Engineer, Irrigation Circle, Nirmal , Adilabad.

- 4 Superintending Engineer, G.V.C. Circle I, Sreeram Sagar Project.
- 5 Superintending Engineer, G.V.C. Circle IV, L.M.D.Colony, Karimnagar.
- 6 Superintending Engineer, Panchayatraj Circle, Khammam .
- 7 Superintending Engineer, R.W.S., Panchayatraj Circle, Warangal.
- 8 Superintending Engineer, Public Health Circle, Warangal.
- 9 Superintending Engineer, R and B Circle, Warangal.
- 10 Executive Endineer, R.W.S., Panchayatraj Division, Kalure.
- 11 Executive Endineer, R.W.S., Panchayatraj Division, Palvanha, Khammam .
- 12 Executive Engineer, Public Health Division, Warangal.
- 13 Executive Engineer, R and B Diviaion, Warangal.
- 14 Executive Engineer, Panchayatraj Division, Warangal.
- 15 Executive Engineer, Irrigation Division, Warangal.
- 16 Executive Engineer, Panchayatraj Division, Janagoan, Warangal.
- 17 Executive Engineer, R and B Division, Mahaboobabad.

...RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue appropriate writ, order or direction more particularly in the nature of writ of Mandamus declaring the action of respondents in insisting the petitioner societies for payment of Earnest money Deposit, Commercial Tax Clearance certificate or imposing any condition or experience in connection with all tender notices issued on or after 1.1.1998 arbitrary, illegal and unreasonable and consequently direct the respondents not to insist payment of Earnest Money Deposit up to any value of the Work, commercial tax clearance certificate and Experience certificate from the petitioners at the time of allotment of works in all tender notices issued on or after 1-1-1998 and issue schedules to the petitioners in all tender notices issued on or after 1.1.1998 by following G.O.Ms.No.178 dt.27-9-1997 irrespective of district or mandal or any condition like all type of work experience in which ever they register.

Counsel for Petitioners: MR.K.ANJI REDDY (Not present)

Counsel for Respondents: GP FOR IRRIGATION & COMM AREA DEV.

The Court made the following:

ORDER:

This writ petition is filed seeking Mandamus declaring the action of the respondents in insisting the petitioner societies for payment of Earnest Money Deposit, Commercial tax clearance certificate or imposing any condition or experience in connection with all tender notices issued on or after 1-1-1998 as arbitrary and illegal.

2. When the matter is taken up, none appears for the petitioner nor there was any

representation. Learned Government Pleader appearing for the respondents submits that by lapse of time, the prayer in the writ petition has become infructuous.

Recording the submission, the writ petition is dismissed as having become infructuous. No order as to costs.

N.V. RAMANA, J

April 20, 2005

MRR

ASSISTANT REGISTRAR

// TRUE COPY //

SECTION OFFICER

Copy to. –

- 1 *Superintending Engineer, Irrigation Circle, Red Hills, Hyderabad.*
- 2 *Superintending Engineer, Irrigation Circle, Warangal.*
- 3 *Superintending Engineer, Irrigation Circle, Nirmal, Adilabad.*
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- 12 *Executive Engineer, Public Health Division, Warangal.*
- 13 *Executive Engineer, R and B Division, Warangal.*
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- 15 *Executive Engineer, Irrigation Division, Warangal.*
- 16 *Executive Engineer, Panchayatraj Division, Janagoan, Warangal.*
- 17 *Executive Engineer, R and B Division, Mahaboobabad.*

Two C.C. s to the G.P. for Irrigation and Comm. Area Dev. High Court
of A.P., Hyderabad (OUT)

Two C.D. Copies.

*Form-NIC-OGS/WP {**SUNITHA**}*